

TENNESSEE BOARD OF NURSING
GROUND FLOOR, CORDELL HULL BUILDING
CUMBERLAND ROOM
425 FIFTH AVENUE NORTH
NASHVILLE, TN 37247-1010

SEPTEMBER 1-2, 2004

MINUTES

Call to Order	C. Stegbauer, Chairman, called the meeting to order at 8:30 a.m. on Thursday, September 1, 2004.
Roll Call/Declaration of Quorum	The Chairman declared a quorum present.
Members Present	Barbara Brennan, R.N. Lori Casper, L.P.N. Wilmetta Collie, L.P.N. Wanda Hooper, R.N. Sheila Jackson Priebel, Public Member Donna Roddy, R.N. Barbara Wallace, L.P.N.
Members Absent	Dava Shoffner, R.N.
Staff Present	Elizabeth Lund, R.N., Executive Director Martha Barr, R.N., Nursing Consultant Richard Russell, Deputy General Counsel Robbie Bell, Director Health Related Boards Brandi Bozarth, Assistant General Counsel Raney Irwin, Assistant General Counsel Teddy Wilkins, Paralegal
Approval of Minutes	B. Wallace moved and seconded by D. Roddy, to approve the May 13-14, 2004 minutes as distributed 6-yes Carried
Introduction of Staff	E. Lund introduced the staff present.
Recognition and Welcome to Visitors	C. Stegbauer recognized and welcomed the following guests: Sumner County Practical Nursing Program Four Rivers Practical Nursing Program Appalachian Regional Practical Nursing Program
Executive Director's Report	E. Lund presented an oral and written report. A copy is on file.
Health Related Boards Report	R. Bell presented an oral report.

OGC Report

R. Russell reviewed and described the conflict of interest policy.

School Announcements

Dr. Patricia Smith, Dean

Dr. Lynn Parsons, Director MTSU

NCSBN Annual Meeting
Ronald Craig Boone, LPN
#52659

E. Lund and C. Stegbauer provided an oral and written report.

Administrative Law Judge: Phillip Barber

Attorney for the State: Laurie Doty

Respondent: Present, represented by Frank Scanlon

S. Jackson-Priebel moved and seconded by D. Roddy to vacate the revocation of the license and grant the respondent a new hearing.

7- Yes
Carried

Jeanette Lewis, RN
#124637

Administrative Law Judge: Phillip Barber
Attorney for the State: Laurie Doty
Respondent: Present; represented by Brett Force

S. Jackson-Priebel rescued herself. D. Roddy moved and seconded by B. Wallace to find in the case of Jeanette Lewis the facts alleged in the notice of charges true, 10,11 (a)(c)(d) (e) (amended) 12,13,14, 16, 17.

7-Yes
Carried

D. Roddy moved and seconded by B. Wallace to find the causes of action a violation of T.C.A. 63-7-115(a)(1) (B)(C)(F) and Rule 1000 – 1 -.13 (d) (e) (g), 1000 -1- .13 (4) and 1000 – 1 -.13 (5)

7- Yes
Carried

D. Roddy moved and seconded by B. Wallace to revoke the RN license of Jeanette Lewis, assess 1 type B and 5 type C civil penalties totaling \$3,250.00 and assess the cost of prosecution.

7-Yes
Carried

It is the policy of the board to protect the health, safety and welfare of the citizens of Tennessee. The board finds this respondent guilty of unprofessional conduct making the board action appropriate.

Request for Stay

D. Roddy moved and seconded by B. Brennan to deny the motion for a stay.

7- Yes
Carried

Rhonda Woods, RN
#102330

Administrative Law Judge: Phillip Barber
Attorney for the State: Raney Irwin
Respondent: Present, represented by Cody Allison

B. Brennan moved and seconded by W. Hooper to deny the request to the lift the suspension of the RN license of Rhonda Woods until such time that she has a successful contractual record with TN PAP. She may return as early as December 2004.

6- Yes
Carried

Phillip Todd Ewing, RN
#100821

Administrative Law Judge: Phillip Barber
Attorney for the State: Raney Irwin
Respondent: Present, represented by Patricia Snyder

S. Jackson-Priebel recused herself.

B. Brennan moved and seconded by W. Hooper to dismiss the case.

6- Yes
1- abstain (Wallace)
Carried

Troy Allen Langley, RN
#125376

Administrative Law Judge: Phillip Barber
Attorney for the State: Raney Irwin
Respondent: Not present, not represented by counsel

The respondent was found in default.

S. Jackson-Priebel moved and seconded by B. Wallace to find in the case of Troy A. Langley the facts alleged in the Notice of Charges true, 10, 11 (amended), 12, 13 (amended) 14, 15, 16.

7 - yes
Carried

S. Jackson-Priebel moved and seconded by B. Wallace to find the causes of action a violation of T.C.A. 63-7-115(a)(1)(F) and Rule 1000-1-.13(c)(e)(u).

7- Yes
Carried

S. Jackson-Priebel moved and seconded by B. Wallace to revoke the RN license of Troy A. Langley and assess two type A civil penalties totaling \$2,000 and assess costs.

7- Yes
Carried

It is the policy of the board to protect the health, safety, and welfare of the citizens of Tennessee. The board finds this respondent guilty of unprofessional conduct, dishonesty and unauthorized removal of narcotics making the board's action to revoke the license appropriate.

Recess: 8:10 P.M.

Reconvene

C. Stegbauer reconvened the meeting of the Tennessee Board of Nursing at 8:00 a.m. Thursday, September 2, 2004. Seven board members present.

Open Forum

C. Stegbauer announced an open forum.

9:00 am.
Rules Report

D. Roddy here. Eight members present.

Jerry Kosten

Jerry Kosten, Rules Coordinator, provided a report, describing the rules and comments from the August 2, 2004 rulemaking hearing. D. Roddy moved and seconded by B. Wallace to amend the rules as noted below.

7- Yes
Carried

Vote to Adopt

D. Roddy moved and seconded by B. Wallace to adopt the following rules was amended:

Department of Health
Rulemaking Hearing Rules
Board of Nursing
Division of Health Related Boards

CHAPTER 1000-1
RULES AND REGULATIONS OF REGISTERED NURSES

Chapter 1000-2
Rules and Regulations of Licensed Practical Nurses

Chapter 1000-4
Advanced Practice Nurses & Certificates of Fitness to Prescribe

Amendments

Rule 1000-1-.07, Schools: Faculty, is amended by deleting subpart (3) (b) 1. (ii) in its entirety and substituting instead the following language, so that as amended, the new subpart (3) (b) 1 . (ii) shall read:

(3) (b) 1. (ii) Experience: Three years experience in full-time teaching and/or administrative positions in an approved school of professional nursing.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-7-117, and 63-7-207.

Rule 1000-1-.13, Unprofessional Conduct and Negligence, Habits or Other Cause, is amended by deleting subparagraph (1) (b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraphs (1) (t) and (1) (u), and renumbering the current subparagraphs (1) (t) and (1) (u) as (1) (v) and (1) (w), so that as amended, the new subparagraphs (1) (b), (1) (t), and (1) (u) shall read:

(1) (b) Failure to maintain a record for each patient which accurately reflects the nursing problems and interventions for the patient and/or failure to maintain a

record for each patient which accurately reflects the name and title of the nurse providing care;

(1) (t) Over-prescribing, or prescribing in a manner inconsistent with Rules 1000-4-.08 and 1000-4-.09;

(1) (u) Practicing professional nursing in a manner inconsistent with T.C.A. § 63-7-103.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 53-11-301, 63-7-103, 63-7-115, 63-7-123, 63-7-126, and 63-7-207.

Rule 1000-2-.13, Unprofessional Conduct and Negligence, Habits or Other Cause, is amended by deleting subparagraph (1) (b) in its entirety and substituting instead the following language, and is further amended by adding the following language as new subparagraph (1) (t) and renumbering the current subparagraphs (1) (t) and (1) (u) as (1) (u) and (1) (v), so that as amended, the new subparagraphs (1) (b) and (1) (t) shall read:

(1) (b) Failure to maintain a record for each patient which accurately reflects the nursing problems and interventions for the patient and/or failure to maintain a record for each patient which accurately reflects the name and title of the nurse providing care;

(1) (t) Practicing practical nursing in a manner inconsistent with T.C.A. § 63-7-108.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-7-108, 63-7-115, and 63-7-207.

New Rule

Table of Contents

1000-4-.09 Prerequisites to Prescribing or Dispensing Medications

1000-4-.09 Prerequisites to Prescribing or Dispensing Medications .

(1) Except as provided in paragraph (2), it shall be a prima facie violation of T.C.A. § 63-7-115 (a) (1) (C) and (F) for an Advanced Practice Nurse, having proper authority to prescribe, to prescribe or dispense any drug to any individual, whether in person or by electronic means or over the Internet or over telephone lines, unless the Advanced Practice Nurse with proper authority to prescribe or the A.P.N.'s licensed supervisee and pursuant to appropriate protocols or orders, has completed and appropriately documented, for the person to whom a prescription is to be issued or drugs dispensed, all of the following:

(a) Performed an appropriate history and physical examination; and

- (b) Made a diagnosis based upon the examinations and all diagnostic and laboratory tests consistent with good health care; and
 - (c) Formulated a therapeutic plan, and discussed it, along with the basis for it and the risks and benefits of various treatments options, a part of which might be the prescription or dispensed drug, with the patient; and
 - (d) Insured availability of the Advanced Practice Nurse with proper authority to prescribe, or coverage for the patient for appropriate follow-up care.
- (2) An Advanced Practice Nurse having proper authority to prescribe, or the A.P.N's licensed supervisee and pursuant to appropriate protocols or orders, may prescribe or dispense drugs for a person not in compliance with paragraph (1) consistent with sound judgment, examples of which are as follows:
 - (a) In admission orders for a newly hospitalized patient; or
 - (b) For a patient of a physician or for an Advanced Practice Nurse with proper authority to prescribe for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or
 - (c) For continuation medications on a short-term basis for a new patient prior to the patient's first appointment; or
 - (d) For established patients who, based on sound practices, the Advanced Practice Nurse having proper authority to prescribe, do not require a new physical examination before issuing new prescriptions.
- (3) Except as provided in paragraph (2), it shall be a prima facie violation of T.C.A. § 63-7-115 (a) (1) (C) and (F) for an Advanced Practice Nurse having proper authority to prescribe, or the A.P.N's licensed supervisee and pursuant to appropriate protocols or orders, to prescribe or dispense any drug to any individual for whom the Advanced Practice Nurse with proper authority to prescribe, or the A.P.N's licensed supervisee and pursuant to appropriate protocols or orders, has not complied with the provisions of this rule based solely on answers to a set of questions regardless of whether the prescription is issued directly to the person or electronically over the Internet or telephone lines.
- (4) Advanced Practice Nurses having proper authority to prescribe, who elect to dispense medication for remuneration must comply with all Federal Regulations (21 CFR 1304 through 1308) for the dispensing of controlled substances.
- (5) Non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:
 - (a) Patient's name.

- (b) Date.
 - (c) Complete directions for usage.
 - (d) The name and address of the Advanced Practice Nurse having proper authority to prescribe.
 - (e) A unique number, or the name and strength of the medication.
- (6) Whenever dispensing takes place, appropriate records shall be maintained. A separate log must be maintained for controlled substances dispensing.
 - (7) Whenever prescribing takes place, written or electronic prescription orders shall be prepared pursuant to T.C.A. § 63-7-123 (b) (3).
 - (8) It is not the intention of this Rule to interfere with the individual Advanced Practice Nurses, having proper authority to prescribe, and their appropriate use of professional samples, nor is it to interfere in any way with the rights of Advanced Practice Nurses, who have proper authority to prescribe, to directly administer drugs or medications to any patient.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 53-11-301, 63-7-115, 63-7-123, 63-7-126, and 63-7-207.

Legal Contact: Richard Russell, Deputy General Counsel, Office of General Counsel, 26th Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37247-0120 615-741-1611.

Contact for disk acquisition and/or party who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 615-532-4397.

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

Elizabeth Lund, Executive Director
Board of Nursing

The roll call vote by the Board of Nursing on these rulemaking hearing rules was as follows:
The roll call vote by the Board of Nursing on these rulemaking hearing rules was as follows:

Board Members	Aye	No	Abstain	Absent
Barbara T. Brennan, R.N.	<u>X</u>	_____	_____	_____
Wanda Hooper, R.N.	<u>X</u>	_____	_____	_____
Donna Roddy, R.N.	<u>X</u>	_____	_____	_____
Dava Shoffner, R.N.	<u>X</u>	_____	_____	_____
Cheryl Stegbauer, R.N.	<u>X</u>	_____	_____	_____
Wilmetta Collie, L.P.N.	<u>X</u>	_____	_____	_____
Lori N. Casper, L.P.N.	<u>X</u>	_____	_____	_____
Barbara Wallace, L.P.N.	<u>X</u>	_____	_____	_____
Sheila Jackson-Priebel, J.D.	<u>X</u>	_____	_____	_____

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Nursing on the 2nd day of September, 2004.

Further, I certify that the provisions of T.C.A. § 4-5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking hearing has been filed in the Department of State on the 19th day of May, 2004 and such notice of rulemaking hearing having been published in the June 15th, 2004 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 2nd day of August, 2004.

Robbie H. Bell, Director
Health Related Boards

Subscribed and sworn to before me this the 2nd day of September, 2004.

Notary Public

My commission expires on the 25th day of March, 2006.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Paul G. Summers

Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State on the day of _____, 200____, and will become effective on the____ day of _____, 200____.

Riley C. Darnell
Secretary of State

By: _____

Vote to consider Holding a Rulemaking Hearing Re: Reinstatement fee for APNs, Correcting Statutory References under Unprofessional Conduct, Determination of Death revision for PACE Program	D. Roddy moved and seconded by B. Wallace to hold a rulemaking hearing re: reinstatement fee for APNs, unprofessional conduct and determination of death 7- Yes Carried
Investigation Report	Denise Moran, Director, Investigations, presented a written and oral report. 200 - YTD complaints, RN 99 - YTD complaints, LPN 12 - FT Investigators
TCN	A written report will follow.
TN PAP	Elaine Eaton introduced Mike Harkreader, RN, Director, Tennessee Nurses Professional Assistance.
OGC Report	Richard Russell, Deputy General Counsel, provided a report, referencing Westlaw Court of Appeals of Tennessee, Middle Tennessee Section, at Nashville, <u>Tennessee Cable Television vs. Tennessee Public Service Commission</u> re: to policy and rules, and Attorney General Opinion no. 99-213, <u>Certified Nurse Aide Skills Examination</u> . Mr. Russell's recommendation is to rescind the position statements on endorsing AANAs position on conscious sedation and the amendment to that position. The board must address the following questions: <ol style="list-style-type: none"> 1. Whether to adopt recommendation of conscious sedation task force? 2. What to do with existing position statements surrounding conscious sedation? 3. What to do with other existing policy/position statements?
Conscious Sedation Task Force	Robbie Bell, Director, Health Related Boards, provided an oral report summarizing the take force's recommendation to adopt AANA's policy statement on conscious sedation as amended. Ms. Bell expressed full support for Mr. Russell's statements.

The director's recommendation is that the board not accept the recommendation of the conscious sedation task force.

B. Brennan moved and seconded by D. Roddy to not adopt the recommendation of the Conscious Sedation Task Force.

8- Yes
Carried

B. Wallace moved and seconded by W. Hooper to rescind the following position statements "Considerations for Policy Guideline for Registered Nurses engaged in the Administration of Conscious Sedation" and "Administration of General Anesthetic Agents by Registered Nurses."

8- Yes
Carried

LPN Task Force Follow-Up
Report

Chris Clarke, THA, presented a written an oral report. The sense of the board is supportive of the content.

School Hearings

University of Phoenix – Progress Report
Pam Fuller, Associate Dean,
Dr. Susan Seager, Faculty Member

D. Roddy moved and seconded by B. Wallace to accept the progress report with the following requirements:

1. Faculty Credentials – MSN required
2. Clinical Contracts required

7- Yes
Carried

Tennessee Technology Center at Memphis Practical Nursing Program – Progress Report
Theresa Isom – Director

B. Wallace moved and seconded by D. Roddy to accept the progress report and reinstate full approval and grant authorization to admit a January class.

7- Yes
Carried

Tracey Lee Scott, RN
#111070

Administrative Law Judge: Phillip Barber
Attorney for the State: Raney Irwin
Respondent: Not present and not represented by counsel

D. Roddy move and seconded by L. Casper to find in the case of Tracy L. Scott the facts alleged in the notice of charges true, 10-20.

7- yes
Carried

D. Roddy moved and seconded by L. Casper to find the causes of action a violation of T.C.A. 63-7-115(a)(1)(B)(C)(D)(F) and Rule 1000 – 1 - .13a (1)(a)(e) (f)(g)(u).

7- yes
Carried

D. Roddy moved and seconded by L. Casper to revoke the RN license of Tracy L. Scott, assess four type A civil penalties totaling \$4,000 and two type B civil penalties, totally \$1,000 and assess the cost of prosecution.

7- yes
Carried

It is the policy of the board to protect the health, safety, and welfare of the citizens of Tennessee. The board finds this respondent guilty of multiple actions making the board action appropriate.

7- yes
Carried

1:30

W. Hooper absent. Seven members present.

Linda Susan Bennett, LPN
#18096

Administrative Law Judge: Phillip Barber

Attorney for the State: Raney Irwin

Respondent: Not present and not represented by counsel

B. Brennan moved and seconded by D. Roddy to find in the case of Linda S. Bennett the facts alleged in the notice of charges true, 10 – 20.

6 - Yes

Carried

B. Brennan moved and seconded by D. Roddy to find the cause of action a violation of T.C.A. 63-7115(a)(1)(F) and Rule 1000 - .2 -.13(1)(b)(c)(d)(e)(u)(f).

6- Yes

Carried

B. Brennan moved and seconded by D. Roddy to revoke the LPN license of Linda S. Bennett assess seven type A civil penalties totaling \$7,000 and assess the cost of prosecution.

6- Yes

Carried

It is the policy of the board to protect the health, safety, and welfare of the citizens of Tennessee. The board finds this respondent guilty of violations as stated making the board action appropriate.

6- Yes

Carried

It is the policy of the board to protect the health, safety, and welfare of the citizens of Tennessee. The board finds this respondent guilty as charged making the board's action appropriate.

6- Yes

Carried

2:00 p.m.

Eight members present.

Karen S. Greer, LPN
#36790

Administrative Law Judge: Phillip Barber
Attorney for the State: Raney Irwin
Respondent: not present and not represented by counsel

B. Wallace moved and seconded by W. Hooper to find in the case of Karen Greer the facts alleged in the notice of charges true, 10-20 (amended).

7- Yes
Carried

B. Wallace moved and seconded by W. Hooper to find the causes of action a violation of T.C.A. 63- 7-115(a)(1)(F) and Rule 1000- 2-.13(1)(b)(d)(e)(u).

7- Yes
Carried

B. Wallace moved and seconded by D. Roddy to revoke the LPN license of Karen Greer, assess two type A civil penalties totaling \$2,000 and assess the cost of prosecution.

7- Yes
Carried

It is the policy of the board to protect the health, safety, and welfare of the citizens of Tennessee. The board finds this respondent guilty of the charges making the board action appropriate.

7- Yes
Carried

Roberlyn Evans, RN
#46338

Administrative Law Judge: Phillip Barber
Attorney for the State: Lauri Doty
Respondent:

D. Roddy moved and seconded by W. Hooper to find in the case of Roberlyn Evans the facts alleged in the notice of charges true, 10-12.

7- Yes
Carried

D. Roddy moved and seconded by W. Hooper to find the causes of action a violation of T.C.A. 63-7-115(a)(1)(F) and Rule 1000 – 1-13(1)(u).

7- Yes
Carried

D. Roddy moved and seconded by B. Brennan to place the license on probation, require an ethics course completed by March 2005, assess two type C civil penalties totaling \$1,000 and assess the cost of prosecution.

2- Yes
5- No
Did not carry

S. Jackson-Priebel moved and seconded by L. Casper to suspend the RN license of Roberlyn Evans for a minimum of six months, require that prior to reinstatement she take an ethics course and assess the costs of prosecution.

4- Yes
4- No
Carried

C. Stegbauer moved and seconded by L. Casper to suspend her license until such time that she completes a board staff approved course in ethics plus assess court cost.

7- Yes
Carried

It is the policy of the board to protect the health, safety, and welfare of the citizens of Tennessee. The board finds this

respondent guilty making the board action appropriate.

7- Yes

Carried

Agreed Orders

S. Jackson-Priebel moved and seconded by L. Casper to accept the following agreed/consent orders:

<u>Name/Address</u>	<u>License Number</u>	<u>Expiry Date</u>	<u>Action</u>
Steven J. Crain Greeneville, TN 37743	RN 113586	11/30/2003	Revocation
Debra P. Jackson Rockwood, TN 378454	LPN 33908	03/31/2006	Civil Penalty \$1350.00
Mary J. Lee Cleveland, TN 37323	LPN 49369	05/31/2000	Civil Penalty \$1775.00
Jackie G. McCarroll Arlington, TN 38002	RN 86858	05/31/2006	Probation- minimum 4 years
Deborah A. Mulcany Springfield, TN 37172	Unlicensed		Civil Penalty \$750.00
Pamela Paulette Clement Bartlett, TN 38134	RN 107945	05/31/1998	Revocation
Heather Keylon Martin, TN 38237	LPN 57587	02/29/2004	Revocation
Carolyn Leedy Old Hickory, TN 37138	RN 100262	06/30/2005	Probation-5 years
Latricia M. Palmer Spring City, TN 37381	LPN 60341	02/29/2004	Revocation
Alice M. Sinks Charlotte, TN 37036	RN 120858 LPN 36228	11/30/2005 11/30/2005	Probation - 2years civil penalty \$500.00

7- Yes

Carried

Insufficient Funds-
Administrative Revocation

B. Wallace moved and seconded by L. Casper to administratively revoke the following licenses for failure to pay fees

Deltona T. Figliola
Pass Christian, MS 39571

RN 113639 07/31/2004

Shelda D. Herring Memphis, TN 38111	RN 46028	01/31/2006
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Andrea M. Lane East Stone Gap, VA 24246	RN 127269	06/30/2005
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Stephen T. Minor Murfreesboro, TN 37130	LPN 60971	08/31/2005
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Russell A Thompson Fallbrook, CA 92028	LPN 48835	03/31/2006
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Sherlin D. Thorn Mount Juliet, TN 37122	RN 88832	03/31/2006
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Carol A. Tyree Rockwood, TN 37854	RN 60606	04/30/2006
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7- Yes
Carried

Report of Survey Visits	B. Wallace moved and seconded by L. Casper to accept the following reports:
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- South Central Practical Nursing Program at Pulaski
- Four Rivers Practical Nursing Program at Ripley
- Tennessee Technology Practical Nursing Program at Knoxville
- East Tennessee State University College of Nursing
- Baptist Memorial College of Health Sciences School of Nursing

7- Yes
Carried

Announcement:	Announcement: Encourage appropriate health care providers to educate patients about the risks of gynecological cancers and the benefits of early detection.
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Announcement of NCSBN of Committee Appointments	Announcement of NCSBN Committee Appointments:
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Exam Committee – Donna Roddy
Awards Committee – Libby Lund
Member Board Profile Focus Group – Libby Lund and

Martha Barr
Finance Committee – Libby Lund

3:35

D. Roddy absent. Seven members present.

Frances C. Ledezema, RN
#135870

Administrative Law Judge: Philip Barber
Attorney for the State: Raney Irwin
Respondent: Not present, not represented

S. Priebel moved and seconded by B. Wallace to find in the case of Frances C. Ledezema the facts alleged in the notice of charges true, 10-11

6 - Yes
Carried

S. Priebel moved and seconded by B. Wallace to find the causes of action a violation of T.C.A. 63-7-115(a)(1)(C) and Rule 1000 – 1.13(1)(j).

6- Yes
Carried

S. Priebel moved and seconded by B. Wallace to revoke the respondent's privilege to practice in Tennessee and assess one type A civil penalty totaling \$1,000 and assess the cost of prosecution.

6- Yes
Carried

It is the policy of the board to protect the health, safety, and welfare of the citizens of Tennessee. The board finds this respondent guilty of the violations making the board action appropriate.

Lisa Boone, RN
#99589

Administrative Law Judge: Philip Barber
Attorney for the State: Laurie Doty
Respondent: not present, not represented.

B. Wallace moved and seconded by L. Casper to find in the case of Lisa Boone the facts alleged in the notice of charges true, 10-15

6- Yes
Carried

B. Wallace moved and seconded by L. Casper to find the cause of action a violation of T.C. A. 63-7-115(a) (1)(G) and 1000-1-.13.

6- Yes
Carried

B. Wallace moved and seconded by L. Casper to assess the RN license of Lisa Boone five type A civil penalties totaling \$5,000, assess the cost of prosecution and request Attorney Doty to report this action to the District Attorney.

6- Yes
Carried

It is the policy of the board to protect the health, safety, and welfare of the citizens of Tennessee. The board finds this respondent guilty of practicing on a revoked license making the board action appropriate.

6- Yes
Carried

Delane Rayburn, RN
#23324

Administrative Law Judge: Phillip Barber
Attorney for the State: Raney Irwin
Respondent: not present, not represented

S. Priebel moved and seconded by B. Wallace to find in the case of Delane Rayburn the facts alleged in the notice of charges true, 10-11(amended).

6- Yes
Carried

S. Priebel moved and seconded by B. Wallace to find the causes of action a violation of T.C.A. 63-7-115(a)(1)(B).

6- Yes
Carried

S. Priebel moved and seconded by B. Wallace to revoke the RN license of Delane Rayburn and assess the cost of prosecution.

6- Yes
Carried

It is the policy of the board to protect the health, safety, and welfare of the citizens of Tennessee. The board finds this respondent guilty of a crime making the board action appropriate.

6- Yes
Carried

Daisy K. Atnip, LPN
#36664

Administrative Law Judge: Phillip Barber
Attorney for the State: Brandi Bozarth
Respondent: not present, not represented by counsel

B. Wallace moved and seconded by L. Casper to find in the case of Daisy K. Atnip the facts alleged in the notice of charges true, 10-15.

6- Yes
Carried

B. Wallace moved and seconded by L. Casper to find the causes of action a violation of T.C.A. 63-7-115(a)(1)(B)(F) and Rule 1000 – 2 -.13.

6- Yes
Carried

B. Wallace moved and seconded by L. Casper to revoke the respondent's privilege to practice in Tennessee and assess five type C civil penalties totaling \$2500.

6- Yes
Carried

It is the policy of the board to protect the health, safety, and welfare of the citizens of Tennessee. The board finds this respondent guilty of violating the practice act making the board action appropriate.

6- Yes
Carried

Kimberly Shutes, LPN
#52472

Administrative Law Judge: Phillip Barber
Attorney for the State: Brandi Bozarth
Respondent: not present, not represented

S. Priebel moved and seconded by L. Casper to find in the case of Kimberly Shutes the facts alleged in the notice of charges true, 10-12 (amended).

6- Yes
Carried

S. Priebel moved and seconded by B. Wallace to find the causes of action a violation of T.C.A. 63-7-115(a) (1)(G).

6- Yes
Carried

S. Priebel moved and seconded by L. Casper revoke the LPN license of Kimberly Shutes, assess one type C civil penalty totaling \$500 in addition to the previously assessed civil penalties and assess the cost of prosecution.

6- Yes
Carried

It is the policy of the board to protect the health, safety, and welfare of the citizens of Tennessee. The board finds this respondent guilty of a violation of the nurse practice act making the board action appropriate.

6- Yes
Carried

Strategic Planning

The board decided to place on hold strategic planning.

Newsletter

The board requested the staff to continue to pursue a magazine style newsletter to be mailed to all licensees.

Future Dates:

- September 30, 2004 – **Screening Panel**, Cordell Hull Bldg., Nashville, TN
- October 14, 2004 – **Application Review Committee**, CHB, Nashville, TN
- October 21-22, 2004 – **Called Board Meeting**, CHB, Nashville, TN
- December 13-14, 2004 – **Board Meeting**, CHB, Nashville, TN

Adjournment:

4:45 p.m.

Cheryl Stegbauer, Ph.D., RN
Chairman

Date

Elizabeth Lund, MSN, RN
Executive Director

Date

EL/G5024251/BN